

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)

Plaintiff,)

vs)

LUIS ANGEL GONZALEZ-LARGO,)

Defendant,.)

2:07-cr-0014 JCM (RJJ)

ORDER

Presently before the court is the government's motion seeking a court order that petitioner has waived attorney-client privilege. Doc. 365. Petitioner, Luis Angel Gonzalez-Largo has failed to file an opposition.

Mr. Gonzalez filed a 28 U.S.C. § 2255 motion to vacate, set aside or correct his sentence, alleging ineffective assistance of counsel. The government represents that information from defendant's former trial counsel, Gabriel L. Grasso, Esq., is necessary in order to respond to Mr. Gonzalez's allegations.

The voluntary disclosure by a defendant of privileged attorney communications "constitutes waiver of the privilege as to all other such communications on the same subject." *Weil v. Investment/Indicators, Research & Management*, 647 F.2d 18, 24 (9th Cir. 1981); *see also, United States v. Zolin*, 809 F.2d 1411, 1415-16 (9th Cir. 1987); *Clady v. County of Los Angeles*, 770 F.2d, 1421, 1433 (9th Cir. 1985). The Ninth Circuit has explained that "a section 2255 petitioner who asserts ineffectiveness of counsel as a ground for relief from his conviction may thereby place into issue his communications with trial counsel. Under such circumstances, a petitioner cannot assert such a claim without thereby waiving, at least to a limited extent, his attorney-client privilege." *Breier v. United States*, 947 F.2d 949, 1991 WL 220324 (9th Cir. 1991).


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1 The court hereby finds it appropriate to deem the attorney-client privilege existing between
2 Mr. Gonzalez and Mr. Grasso waived as to those matters raised in Mr. Gonzalez's § 2255 motion.
3 Mr. Grasso shall therefore provide, to the government an affidavit concerning all information known
4 to him that are relevant to the charges raised in the § 2255 motion as soon as practicable.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the government's motion
7 for an order deeming attorney-client relationship waived (doc. 365) be, and the same hereby is,
8 GRANTED.

9 DATED July 12, 2012.

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12 UNITED STATES DISTRICT JUDGE
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